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4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 ELLIOT GREENBERG et al.,

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7 Plaintiffs,

)

8 vs.

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3:11-cv-00472-RCJ-WGC

9 A-POWER ENERGY GENERATION
10 SYSTEMS, LTD et al.,

ORDER

11 Defendants.

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13 Two securities class actions are pending in this Court by the same law firm against the
14 same company, but with different named plaintiffs: the present case and Case No. 3:11-cv-
15 00577. A hearing is set for November 7, 2011 on three motions to consolidate and two motions
16 to appoint lead counsel. The Court has already consolidated the two cases under the present
17 case, rendering the motions to consolidate moot. Also, Defendant has filed a notice, (see ECF
18 No. 41), indicating that there are other related cases pending in other districts and that it has filed
19 a petition with the Judicial Panel on Multidistrict Litigation (“JPML”) to create a multidistrict
20 litigation (“MDL”) case for consolidated pretrial litigation. The two movants on the motions to
21 appoint lead counsel appear to be the law firms that filed related cases in the Central District of
22 California. Defendant asks the Court to stay the case and vacate the November 7 hearing
23 pending the JPML’s ruling on the creation of a MDL case.

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CONCLUSION

IT IS HEREBY ORDERED that the Motions to Consolidate (ECF Nos. 12, 15, 22) are DENIED as moot.

IT IS FURTHER ORDERED that the Motions to Appoint Lead Counsel (ECF Nos. 28, 32) are DENIED without prejudice.

IT IS FURTHER ORDERED that the hearing set for November 7, 2011 is VACATED.

IT IS FURTHER ORDERED that the case is STAYED pending the JPML's ruling.

Defendant shall file a notice of the JPML's ruling in the docket, when available.

IT IS SO ORDERED.

Dated this 7th day of October, 2011.


ROBERT C. JONES
United States District Judge